

Notice of Allowability

Application No.

09/966,678

Examiner

Kevin Schubert

Applicant(s)

FREDLUND ET AL.

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/31/06.
2. ☒ The allowed claim(s) is/are 21 and 23-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>03212005</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter.

Independent claim 21 recites a method of authenticating a digital still image captured using a digital image capture device. While methods of authenticating digital still images captured using digital image capture devices are known in the art (e.g. Kaplan 2002/0023220), Examiner believes claim 21 recites features not cited by or rendered obvious in light of the prior art.

For example, claim 21 recites "storing the one signature data, authentication signature, and image identification at the remote location; wherein said captured digital still image is not transmitted to or stored at said remote location" (lines 14-16), "transmitting the one signature data to the authentication location" (line 20), "transmitting the digital still image to be authenticated to the authentication location" (lines 21-22), "at the authentication location, applying the one signature data to the digital still image to be authenticated to produce a verification signature" (lines 23-25), "transmitting the verification signature to the remote location" (lines 26-27), and "comparing, at the remote location, the authentication signature with the verification signature to determine the authentication of the transmitted digital still image" (lines 28-30).

While it is known in the art to transmit an authentication signature to a remote location without transmitting the corresponding digital still image (albeit such practice is atypical), Examiner submits that it is not known to transmit a digital still image taken from a digital still image capture device to an authentication location, receive one signature data at said authentication location, apply the signature data to create a verification signature, and transmit the verification signature to the remote location for an authentication comparison at the remote location.

While such teaching could be viewed as circuitous for most applications, such practice may be advantageous, for example, in a system in which the remote location should not view the digital still image. In short, Examiner believes the method of claim 21 to be novel and unobvious over the prior art. Dependent claims 23-26, which further distinguish independent claim 21, are deemed allowable for at least their dependency on an allowable claim.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 7:30-6:00.

5 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from
10 either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-
15 1000.

KS


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER